THE HYDERABAD ATIYAT ENQUIRIES

ACT, No. X OF 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Continuance of Atiyat Grants.
4. Enquiries as to Atiyat Grants in Jagirs.
5. Consequences of breach of conditions of Munthaqab or Vasiqa.
6. Prohibition of alienation or encumbrance and exemption of attachment by a court.
7. Succession.
8. Classes of Atiyat Courts.
9. Investure of powers.
10. Jurisdiction and procedure of 'Atiyat Courts.
11. Appeals.
12. Decision of Civil Courts to prevail on questions of succession, legitimacy, etc.
13. Finality of decision of the Atiyat Court and of certain other decisions.
14. Rules.
15. Repeal.
16. Savings.

Schedule.

*THE HYDERABAD ATIYAT ENQUIRIES ACT, 1952.

No. X of 1952.

An Act to amend and consolidate the law regarding Atiyat grants, in respect of Atiyat enquiries, enquiries as to claims to succession to, or any right, title or interest in Atiyat grants and matters ancillary thereto.

Preamble.

Whereas it is expedient to amend and consolidate the law regarding Atiyat grants, in respect of Atiyat enquiries, enquiries as to claims to succession to, or any right, title or interest in Atiyat grants and matters ancillary thereto;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Atiyat Enquiries Act, 1952.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on such date as the Government may, by notification in the Jarida, appoint in this behalf.

Definitions.

2. (1) In this Act unless there is anything repugnant in the subject or context—

(*a*) " Atiyat Court " means a Court or authority competent to make Atiyat enquiries and enquiries as to claims to succession to and any right, title or interest in Atiyat grants and matters ancillary thereto ;

(*b*) " Atiyat grants " include Inams and cash grants known as Rusums; Youmias, Mamuls, Saliana. Imtiyazi Mahwars, Pensions and any other allowances granted by the State for the performance of certain duties, past or present, or as charities without the obligation of any service ;

(*c*) " Muntakhabs and Vasikas " means documents issued by competent authorities as a result of Inam or succession enquiries held under the

*Published in Gazette Extraordinary No. 21, dated 14th March, 1952.

Dastoor-ul-Amal Inams or other Government orders on the subject and issued by way of continuance or confirmation of Atiyat grants ;

(d) "Holding an Atiyat grant" means the enjoyment of the Atiyat grant on the basis of a Muntakhab, a Vasiqa any order of a competent authority ;

(e) "Holder of an Atiyat grant" means a person or institution actually holding the Atiyat grant ;

(f) "Inam" has the meaning assigned to the word in section 2 (*a*) (*i*) of the Hyderabad Enfranchised Inams Act, 1952 ;

(*g*) "prescribed" means prescribed by rules made under this Act.

(2) Words and expressions used in this Act but not defined therein shall have the meanings assigned to them in the Hyderabad Land Revenue Act.

General Provisions as to Atiyat Grants.

Continuance of Atiyat Grants.

3. All Atiyat grants held Immediately before the commencement of this Act shall, subject to the provisions of the Hyderabad Enfranchised Inams Act, 1952, continue to be held by the holders thereof and after them by their sucessors, if any, subject to the conditions laid down in the Muntakhabs or Vasikas, if any, relating thereto and to the provisions of this Act.

Enquiries as to Atiyat Grants in Jagirs.

4. Notwithstanding anything contained in section 3, continuance of Atiyat grants in the erstwhile Jagir areas or granted by erstwhile Jagirdars shall be subject to inquiries made for that purpose and for confirmation in accordance with rules made uner this Act.

Consequences of breach of Conditions of Muntakhab or Vasiqa.

5. For the breach of the conditions contained in any Muntakhab or Vasiqa relating to an Atiyat grant or for other sufficient cause, the Government after giving an apportunity to the holder of the Atiyat grant to be heard, may by order resume the grant or modify the terms and conditions specified in any Muntakhab or Vasiqa relating thereto or pass such other orders in respect of the Atiyat grant as Government may think fit.

Prohibition of alienation or encumbrance and exemption of attachment by a Court.

6. Atiyat Grants shall not be liable to be transferred or encumbered in any manner or to any extent whatsoever and it shall not be lawful for any Court to attach or sell any Atiyat grant or any portion or share thereof :

Provided that half the income of the Atiyat grant shall be attachable in execution of a decree through the Revenue Department.

Succession.

7. Subject to the provisions of this Act, succession to Atiyat grants shall, after the commencement of this Act, be regulated by the personal law applicable to the last holder.

Constitution of Atiyat Courts their jurisdiction and procedure.

Classes of Atiyat Courts.

8. Notwithstanding the provisions of any law for the time being in force, there shall be the following classes of Atiyat Courts :—

(*a*) Atiyat Deputy Collectors ;
(*b*) Atiyat Collectors ;
(*c*) Nazim Atiyat ; and
(*d*) Board of Revenue.

Investure of powers.

9. Government may, by notification in the Jarida, invest any officer with the powers of any Atiyat Court mentioned in clauses (*a*), (*b*) or (*c*) of section 8, specifying the area within which the powers may be exercised.

Jurisdiction and procedure of Atiyat Courts.

10. The original Jurisdiction of Atiyat Courts shall be regulated in the manner specified in the Schedule and the procedure thereof including the time within which and the manner in which appeals may be filed against their decisions under this Act shall be such as may be prescribed.

Appeals.

11. (1) From the original decision—

(*a*) of an Atiyat Deputy Collector, an appeal shall lie to the Atiyat Collector ;

(*b*) of the Atiyat Collector, to the Nazim Atiyat ; and

(*c*) of the Nazim Atiyat, to the Board of Revenue.

(2) From the appellate decision of an Atiyat Collector, an appeal shall lie to the Nazim Atiyat.

(3) From the appellate decision of the Nazim Atiyat, an appeal shall lie to the Board of Revenue.

(4) The decision of the Board of Revenue shall be final.

Miscellaneous.

Decision of Civil Courts to prevail on questions of succession, legitimacy, etc.

12. In so far as questions of succession, legitimacy, divorce or other questions of personal law are concerned, the final decision of a Civil Court shall be given effect to by the Atiyat Court established under this Act on the decision being brought to its notice by the party concerned or otherwise irrespective of whether the decision of the Atiyat Court was given befere or after the decision of the Civil Court.

Finality of decision of the Atiyat Court and of certain other decisions.

13. (1) Except as provided in this Act, the decision of an Atiyat Court shall be final and shall not be questioned in any Court of Law.

(2) The orders passed in cases relating to Atiyat Grants including Jagirs on or after the 18th September, 1948 and before the commencement of this Act by the Military Governor, the Chief Civil Administrator or the Chief Minister of Hyderabad or by the Revenue Minister by virtue of powers given or purporting to be given to him by the Chief Minister shall be deemed to be the final orders validly passed by a competent authority under the law in force at the time when the order was passed and shall not be questioned in any court of law.

Rules.

14. Government may make rules for carrying out the purposes of this Act and in particular for anything which may be prescribed under this Act.

Repeal.

15. Dastur-ul-Amals, Inams and Circular No. 10 of 1338 Fasli and all other circulars amending or supplementing the same are hereby repealed :

Provided that—

(*a*) any rule, order or notification made or issued under the circulars hereby repealed in so far as it is not inconsistent with the provisions of this Act shall be deemed to have been made or issued under this Act and shall continue to be in force until it is superseded thereunder ;

(*b*) all suits, appeals and applications pending immediately before the commencement of this Act before an Atiyat Court or before the Atiyat Appeal Committee shall be continued and disposed of as if this Act had not been passed; but such cases may be heard and disposed of by the same Court or Committee before whom they are pending immediately before the commencement of this Act or by any other Atiyat Court or authority appointed for the purpose by the Government by a general or special order.

Savings.

16. The provisions of this Act shall cease to be applicable to any Inam to which at any time the Hyderabad Enfranchised Inams Act 1952 is made applicable.

SCHEDULE

ORIGINAL JOURISDICTION OF ATIYAT COURTS.

Description of Atiyat grant	Atiyat Deputy Collector	Atiyat Collector	Nazim Atiyat
1. Inams	Total annual assessment up to Rs. 250	Beyond the powers of Atiyat Deputy Collector and up to an annual assessment of Rs. 5,000	Beyond the powers of the Atiyat Collector without any limit.
2. Cash grants	Up to Rs. 100 annually.	Beyond the powers of Atiyat Deputy Collector and up to Rs. 1,000. annually.	Beyond the powers of the Atiyat Collector without any limit.